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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,171	10/01/1999	KHURSHED MAZHAR	3797.80030	7939
22801	7590	04/04/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,171

Applicant(s)

MAZHAR ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Prosecution Application

The request filed on 09/08/04 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/411,171 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (a) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 22 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over RealPlayer G2™ ©1998 (hereinafter RealPlayer) as supported by the screenshots provided along with the original PTO-892 Notice of References cited and the press release “Realnetworks Ships Final Release of Realsystem G2, Next Generation Media Delivery System” (hereinafter Press Release) provided with the PTO-892 Notice of References cited.

Regarding to claim 22, RealPlayer discloses a computer system having a display device for rendering a graphical user interface of a Web browser displaying Web page content in a browser pane, and having at least one speaker for playing streaming media, the graphical user interface comprising: [RealPlayer is a program that accesses data and files (audio and video files) from the World Wide Web. It reads and processes hyperlinks to get to the appropriate site, and is therefore a Web browser. The display shows a graphical user interface of a Web browser (RealPlayer), which displays a Web page in a browser pane (see screenshot 2, right half)]; a radio toolbar displaying radio-toolbar buttons for controlling the streaming media irrespective of the Web page content being browsed, the radio-toolbar buttons including: a play/stop button enabled to toggle between play and stop to control, respectively, playing and stopping of available streaming media and disabled when streaming media is unavailable [i.e. the play button, mute button, and Presets menu in screenshot 2]; a mute button for instructing the Web browser to silence streaming media, the mute button assuming an inactive state if the computer system cannot modify volume and an active state otherwise; a volume slider for controlling the volume of streaming media played over the speaker, the volume slider assuming an inactive state if the computer system cannot modify volume and an active site otherwise It is not explicitly shown in the screenshots of RealPlayer, but it is implicitly implied that the radio toolbar of RealPlayer has at least one button for controlling the first source of streaming media irrespective of the web page content being browsed. It is apparent that the user may play streaming media, from the "Presets" menu for example, while the Web page content being browsed within screenshot 2 concerns the auto update feature of RealPlayer. The preset stations and the auto update feature are irrespective of each other. As another example, the user of RealPlayer may

search the Web while playing the streaming media, as indicated by the "excite" and "search" areas within screenshot 2. This is further supported in page 2 of the Press Release under the section "RealAudio and RealVideo Search", which describes integrating the RealPlayer with a Web browser. The current streaming media will continue to play until the user selects a different streaming media from the search results. Furthermore, controls are provided in RealPlayer for stopping, muting, and changing the volume of the first source of streaming media (Fig. 2), which does not affect the content displayed in the minibrowser (right portion of Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art to ensure the buttons in the radio toolbar of RealPlayer control the first source of streaming media irrespective of the Web page content being browsed, such that the browsing does not interrupt the play of the streaming media and the streaming media does not interrupt the browsing of the Web page]; a radio-stations button selectable to alter a source of streaming media by providing a drop-down list that includes an "add station to favorites" entry and a list of recently used radio stations; and an information area displaying a status text component and a status icon component, the status text component presenting meta data information associated with a streaming media source, the status icon component presenting an Internet connection status regarding the streaming media source; and b) a cursor controllable by a user to select the radio-toolbar buttons, the cursor configured to highlight a radio-toolbar button while passing over that radio-toolbar button and to display a rollover tool tip describing a corresponding function of the highlighted radio-toolbar button [The graphical user interface comprises a radio button toolbar tool tip for displaying buttons capable of controlling said first source of streaming media (i.e. the play button, mute button, and Presets menu in screenshot 2)].

Regarding to claim 23, RealPlayer discloses wherein the rollover tool tip for the play/stop button is "play" when the play/stop button is toggled stop, and "stop" when the play/stop button is toggled to play. The Channels bar is registered with the Web browser (RealPlayer) as a band object. The explorer bar allows user input regarding the first source of streaming media irrespective of the Web page content present in the browser pane. For example, the user may select the first source of streaming media to be from the "Video Music Network" (screenshot 2) while searching for other streaming media as described above.

Regarding to claim 24, RealPlayer discloses wherein the rollover tool tip for the mute button is "mute" when the mute when mute button is active [i.e. the play button, mute button, and Presets menu in screenshot 2].

Regarding to claim 25, RealPlayer discloses wherein the rollover tool tip for the volume slider is "volume control" (see slider above mute button in screenshot 2).

Regarding to claim 26, RealPlayer discloses wherein the rollover tool tip for the radio button when the radio button is active (see Channels bar in screenshots 2 and 3).

Regarding to claim 27, RealPlayer discloses wherein the gui further comprises an "add to favorites" dialog box initiated by a selection. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a favorites song into the list RealPlayer, in order to enhance the capabilities of the best song selection by the user.

Regarding to claim 28, RealPlayer discloses wherein the status icon component presenting the Internet connection status a default icon of a streaming media source if the streaming media current playing. The graphical user interface shows a status bar showing a current status for the connection of buffering (see bottom of screenshot 2).

As claims 29-42 are analyzed as previously discussed with respect to claims 22-28.

Response to Arguments

Applicant's arguments filed on 09/20/04 have been fully considered but they are not persuasive.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Kevin Cao', with a stylized flourish at the end.

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

03/28/05